



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

April 29, 2005

S. 536

Native American Omnibus Act of 2005

As ordered reported by the Senate Committee on Indian Affairs on March 9, 2005

SUMMARY

S. 536 would make a number of changes and technical corrections to current laws concerning Native Americans. The bill would extend the authorization of appropriations for Indian tribal courts and other judicial systems, for the Native American Programs Act of 1974, and for the Morris K. Udall Scholarship and Excellence in Environmental Policy Foundation. It also would authorize a pilot program to enhance border preparedness on Indian lands. CBO estimates that implementing S. 536 would cost \$7 million in 2006 and \$405 million over the 2006-2010 period, assuming appropriation of the amounts CBO estimates would be necessary.

S. 536 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Several provisions would benefit Indian tribes.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 536 is shown in the following table. The cost of this legislation would fall within budget functions 450 (community and regional development), 500 (education, training, employment and social services), and 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Indian Programs Reauthorized By S. 536						
Authorization Level ^a	54	58	58	0	0	0
Estimated Outlays	53	98	73	10	2	0
Proposed Changes:						
Technical and Legal Assistance for Tribal Justice						
Estimated Authorization Level	0	8	8	8	9	9
Estimated Outlays	0	2	4	6	7	8
Tribal Justice Systems						
Authorization Level	0	0	0	58	58	58
Estimated Outlays	0	0	0	52	58	58
Native American Programs Act of 1974						
Estimated Authorization Level	0	50	51	52	53	54
Estimated Outlays	0	5	38	49	51	53
Morris K. Udall Scholarship						
Authorization Level	0	0	3	3	4	4
Estimated Outlays	0	0	3	3	4	4
Subtotal: Proposed Changes						
Estimated Authorization Level	0	58	62	121	124	125
Estimated Outlays	0	7	45	110	120	123
Total Spending Under S. 536						
Estimated Authorization Level	54	116	120	121	124	125
Estimated Outlays	53	105	118	120	122	123

a. The 2005 amount reflects appropriations provided in that year. The amounts for 2006 and 2007 are the existing authorizations for programs reauthorized by S. 536.

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 536 will be enacted during 2005 and that the necessary amounts will be appropriated for each fiscal year.

Technical and Legal Assistance for Tribal Justice. Section 102 would authorize the appropriation of such sums as may be necessary for fiscal years 2006 through 2010 to the Department of Justice to provide grants to support tribal courts and legal assistance programs. In 2005, a total of \$8 million was appropriated for these programs. CBO estimates that continuing this program at that level and adjusting for anticipated inflation over the 2006-2010 period would cost \$27 million.

Tribal Justice Systems. Section 103 would authorize the appropriation of \$58 million a year over the 2008-2010 period for the Department of the Interior to provide grants to Indian tribes to support tribal justice systems and for the administrative expenses of the Office of Tribal Justice Support. These grants could be used to hire judicial personnel, provide technical assistance and training, offer victim assistance, acquire law library materials, or for similar purposes. CBO estimates that implementing this provision would cost \$168 million over the 2008-2010 period, assuming the appropriation of the specified amounts.

Native American Programs Act of 1974. Section 113 would reauthorize several programs created under the Native American Programs Act of 1974. CBO estimates that implementing this section would cost \$195 million over the 2006-2010 period.

S. 536 would reauthorize an Interior Department program that provides matching grants to tribal governments to help them plan, design, and implement efforts to improve environmental quality on tribal lands. The bill would authorize the appropriation of \$8 million a year over the 2006-2010 period for that grant program to train tribal employees, develop tribal laws on environmental quality, and enforce and monitor those laws. Assuming appropriation of the authorized amounts, CBO estimates that this provision would cost \$30 million over the five-year period.

The bill also would authorize the appropriation of such sums as necessary for projects, training, and services that support at-risk youth, and elderly or disabled Native Americans. These funds also could be used for economic development and to support the use of native languages. About \$42 million was allocated to these activities in 2005. CBO estimates that continuing the program at that level, adjusted for anticipated inflation, would cost \$165 million over the 2006-2010 period.

Morris K. Udall Scholarship. Section 122 of the bill would amend and extend the authorization for the Morris K. Udall Scholarship and Excellence Foundation, which provides management and leadership training for Native American and Alaskan Native health care and policy professionals. These training activities are currently authorized through 2005. Funding for 2005 totaled approximately \$1 million. The bill would authorize appropriations of \$2.5 million for each of the years 2007 and 2008, \$4.0 million for each of the years 2009 and 2010, and \$13.5 million per year from 2011 through 2016. We estimate

that this provision would cost \$2.5 million in 2007 (the first year of the extended authorization). Outlays over the 2006-2010 period would total \$13 million.

Border Preparedness on Indian Lands. Section 132 would authorize the appropriation of such sums as may be necessary over the 2006-2008 period to the Department of Homeland Security (DHS) to provide funds to Indian tribes near U.S. borders. The funds would help the tribes to improve their capacity to handle security incidents and threats along U.S. borders and to coordinate with federal agencies. The assistance could include surveillance technologies, communications equipment, and personnel training. Based upon information obtained from DHS, CBO estimates that implementing this provision would cost less than \$500,000 a year.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 536 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Several provisions would benefit Indian tribes.

ESTIMATE PREPARED BY:

Federal Costs:

Kathleen FitzGerald—Native American Programs Act

Deborah Kalcevic—Morris K. Udall Foundation

Mark Grabowicz—Indian Tribal Justice Technical and Legal Assistance

Mike Waters—Tribal Justice Systems and Border Preparedness

Impact on State, Local, and Tribal Governments: Marjorie Miller

Impact on the Private Sector: Selena Caldera

ESTIMATE APPROVED BY:

Robert A. Sunshine

Assistant Director for Budget Analysis